

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 6, 9-12, and 14-19 will be pending. By this amendment, claims 1-5, 7-8, and 13 have been canceled; claims 6, 9-12, and 14 have been amended; and claims 15-19 have been added. No new matter has been added.

Objections to the Title

In Section 4 of the Office Action, the Examiner objected to the Title. The Title has been replaced with a new Title.

§112 Rejection of Claims 4, 5, and 6-11

In Section 5 of the Office Action, the Examiner has rejected claims 4, 5, and 6-11 under 35 U.S.C. §112, second paragraph. Claims 6 and 9 have been amended to address the rejection. Claims 4 and 5 have been canceled.

§102 Rejection of Claims 1-14

In Section 2 of the Office Action, the Examiner has rejected claims 1-14 under 35 U.S.C. §102(b) as being anticipated by Makipaa *et al.* (U.S. Patent No. 6,394,341; hereinafter referred to as "Makipaa"). Claims 6-11, 12, and 14 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that "there are portable digital audio apparatus for storing music data compressed with the voice compression coding techniques in storage means such as a semiconductor flash memory and for reproducing it from

the storage means. Such portable digital audio apparatus do not require mechanical movable parts, so that they have advantages that their configurations can be downsized and that they are less susceptible to disturbances caused by vibration, compared to conventional portable audio apparatus like a Compact Disk (CD) player, for example.” *Background of the Specification, page 1, line 19 to page 2, line 5.*

“However, the portable digital audio apparatus having such a configuration have a problem that limited storage capacity of the storage means does not allow to store a large amount of music data, thereby allowing only limited music numbers to be reproduced.” *Background of the Specification, page 2, lines 6-9.*

To address the above-described problem, embodiments of the present invention provide system, device, method, and program storage medium for processing data from multiple sources according to storage location information. For example, the structure of device claim 6, as presented herein, includes:

“*wireless telephone communication means* for performing communication with a storage server on the Internet via a wireless telephone network;

wireless communication means for performing short-range wireless communication with a data storage device;

a display section for displaying a list, including at least titles and storage location information, so that a user can select a title from said titles, said storage location information indicating the storage location of file data containing the titles;

controller means for alternately controlling said wireless telephone communication means and wireless communication means to download said file data according to said storage location information corresponding to the selected title;

storage means for storing said downloaded file data; and

data processing means for performing a predetermined process using said downloaded file data.”

(emphasis added)

In summary, the data processing device of claim 6 includes a *display section* for displaying a list of titles and storage location information; and *controller means* for alternately controlling the wireless telephone communication means and wireless communication means. This enables the user to select a title from the list so that the data processing device can download the file data either from the storage server (*e.g.*, using the cellular network) or from the data storage device (*e.g.*, using the local area network) according to the storage location information corresponding to the selected title.

Support for newly-added limitations in the independent claims 6, 12, 14, 15, and 19 can be found in Figures 3 and 4 and on page 16, line 17 to page 17, line 17 of the Specification.

Since Makipaa fails to teach or suggest a data processing device including a *display section* for displaying a list of titles and storage location information; and *controller means* for alternately controlling the wireless telephone communication means and wireless communication means that enables the user to select a title from the list so that the data processing device can download the file data either from the storage server or from the data storage device according to the storage location information corresponding to the selected title, claims 6 should be allowable over Makipaa. Furthermore, since independent claims 12 and 14 closely parallel, and include substantially similar limitations as, independent claim 6, claims 12 and 14 should also be allowable over Makipaa. Since claims 9-11 depend from claim 6, claims 9-11 should also be allowable over Makipaa. Claims 1-5, 7-8, and 13 have been canceled.

Accordingly, it is submitted that the Examiner's rejection of claims 1-14 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Newly-added Claims 15-19

Based on the foregoing discussion regarding claim 6, and since independent claims 15 and 19 closely parallel, and include substantially similar limitations as, independent claim 6, claims 15 and 19 should also be allowable over the cited prior art references. Furthermore, since claims 16-18 depend from claim 15, claims 16-18 should also be allowable over the cited prior art references.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 6, 9-12, and 14-19 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

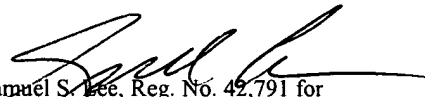
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:



Samuel S. Lee, Reg. No. 42,791 for
William S. Frommer
Reg. No. 25,506
(212) 588-0800